

Applicant or Patentee: Peter B. Dervan and Eldon E. Baird  
Serial or Patent No.: To Be Assigned  
Filed or Issued: Herewith  
For: DESIGN, SYNTHESIS AND USE OF SPECIFIC POLYAMIDE DNA-BINDING LIGANDS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: GENESOFT, INC.  
ADDRESS OF CONCERN: Two Corporate Drive  
South San Francisco, California 94080

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled DESIGN, SYNTHESIS AND USE OF SPECIFIC POLYAMIDE DNA-BINDING LIGANDS, by inventors Peter B. Dervan and Eldon E. Baird described in

X the specification filed herewith.  
application serial number \_\_\_\_\_, filed \_\_\_\_\_  
Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

NAME: California Institute of Technology  
ADDRESS: 1200 East California Blvd., Pasadena, California 91125

NAME: Prolinx, Inc.  
ADDRESS: 22322 20<sup>th</sup> Avenue S.E., Bothell, Washington 98021

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David B. Singer  
TITLE OF PERSON IN ORGANIZATION: President + CEO  
ADDRESS OF PERSON SIGNING: Two Corporate Drive  
South San Francisco, CA 94080

**Signature**

Date 8-6-99

**DECLARATION  
AND POWER OF ATTORNEY  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DESIGN, SYNTHESIS AND USE OF SPECIFIC POLYAMIDE DNA-BINDING LIGANDS**, the specification of which

(Check One)

is attached hereto OR  
 was filed on herewith, as United States Application Serial No. to be assigned or PCT International Application No. PCT/US98/01714 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing    | Priority Claimed |    |
|-------------------------------------|---------|-------------------|------------------|----|
|                                     |         |                   | Yes              | No |
| 97/03332                            | PCT     | February 20, 1997 | X                |    |
| 97/12722                            | PCT     | July 21, 1997     | X                |    |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date        |
|-----------------------|--------------------|
| 60/038,384            | February 14, 1997  |
| 60/023,309            | July 31, 1996      |
| 60/024,374            | August 1, 1996     |
| 60/026,713            | September 25, 1996 |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| <b>U.S. Parent Application Number</b> | <b>PCT Parent Number</b> | <b>Parent Filing Date</b> | <b>Status-Patented, Pending or Abandoned</b> |
|---------------------------------------|--------------------------|---------------------------|--|
| 08/853,522                            |                          | May 8, 1997               | Pending                                      |
| 08/837,524                            |                          | April 21, 1997            | Pending                                      |
| 08/607,078                            |                          | February 26, 1996         | Pending                                      |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

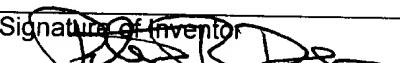
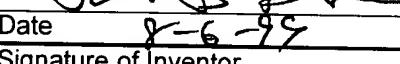
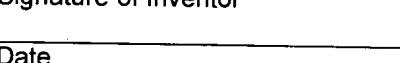
Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Richard J. Warburg, Reg. No. 32,327; John M. Johnson, Reg. No. 33,334; Daniel M. Chambers, Reg. No. 34,561; Troy M. Schmelzer, Reg. No. 36,667; Jessica R. Wolff, Reg. No. 37,261; Douglas C. Murdock, Reg. No. 37,549; Jeffrey W. Guise, Reg. No. 34,613; F.T. Alexandra Mahaney, Reg. No. 37,668; Charles S. Berkman, Reg. No. 38,077; Edward M. Jordan, Reg. No. 40,666; John C. Kappos, Reg. No. 37,861; Howard N. Wisnia, Reg. No. 37,502; Keith Kind, Reg. No. 42,735; Stephen S. Korniczky, Reg. No. 34,853; Jonathan T. Losk, Reg. No. 39,755; Theodore S. Maceiko, Reg. No. 35,593; Hope E. Melville, Reg. No. 34,874; Jeffrey A. Miller, Reg. No. 35,874; Kurt T. Mulville, Reg. No. 37,194; Clarke W. Neumann, Reg. No. 39,789; Vicki Norton, Reg. No. 40,745; Kenneth S. Roberts, Reg. No. 38,283; Thomas R. Rouse, Reg. No. 40,793; James K. Sakaguchi, Reg. No. 41,285; James K. Sakaguchi, Reg. No. 41,285; Carol A. Schneider, Reg. No. 34,923; Sheryl R. Silverstein, Reg. No. 40,812; Brent D. Sokol, Reg. No. 38,621; Jeffrey D. Tekanic, Reg. No. 36,031; Christopher A. Vanderlaan, Reg. No. 37,747; David E. Wang, Reg. No. 38,358; Lisa Ward Karmelich, Reg. No. 41,421; Michael J. Wise, Reg. No. 34,047; Wesley B. Ames, Reg. No. 40,893; Charles Balgenorth, Reg. No. 37,586; Thomas J. Brindisi, Reg. No. 40,348; James P. Brogan, Reg. No. 35,833; David T. Burse, Reg. No. 37,104; Bruce G. Chapman, Reg. No. 33,846; Farshad Farjami, Reg. No. 41,014; Charles C. Fowler, Reg. No. 39,675; and Corrine M. Freeman, Reg. No. 37,625.; of LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066 telephone (619) 552-8400.

|   |   |  |
|---|---|--|
| Send Correspondence to:<br>Richard J. Warburg | LYON & LYON LLP<br>633 W Fifth St., Suite 4700<br>Los Angeles, CA 90071 | Direct Telephone calls to:<br>(619) 552-8400 |
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|            |                         |                      |  |                                |                   |
|------------|-------------------------|----------------------|--|--------------------------------|-------------------|
|            | FULL NAME OF INVENTOR   | FIRST Name<br>Eldon  | MIDDLE Initial<br>E.                   | LAST Name<br>Baird             |                   |
| <b>201</b> | RESIDENCE & CITIZENSHIP | City<br>Foster City  | State or Foreign Country<br>California | Country of Citizenship<br>USA  |                   |
|            | POST OFFICE ADDRESS     | 311 Halyard Lane     | City<br>Foster City                    | State or Country<br>California | Zip Code<br>94404 |
|            | FULL NAME OF INVENTOR   | FIRST Name<br>Peter  | MIDDLE Initial<br>B.                   | LAST Name<br>Dervan            |                   |
| <b>202</b> | RESIDENCE & CITIZENSHIP | City<br>San Marino   | State or Foreign Country<br>California | Country of Citizenship<br>USA  |                   |
|            | POST OFFICE ADDRESS     | 1235 St. Albans Road | City<br>San Marino                     | State or Country<br>California | Zip Code<br>91108 |
|            | FULL NAME OF INVENTOR   | FIRST Name           | MIDDLE Initial                         | LAST Name                      |                   |
| <b>203</b> | RESIDENCE & CITIZENSHIP | City                 | State or Foreign Country               | Country of Citizenship         |                   |
|            | POST OFFICE ADDRESS     |                      | City                                   | State or Country               | Zip Code          |
|            | FULL NAME OF INVENTOR   | FIRST Name           | MIDDLE Initial                         | LAST Name                      |                   |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |            |
|---|------------|
| Signature of Inventor   | <b>201</b> |
|  |            |
| Date  | 8-6-99     |
| Signature of Inventor   | <b>202</b> |
|  |            |
| Date  |            |
| Signature of Inventor   | <b>203</b> |
|  |            |
| Date  |            |

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| Signature of Inventor  | <b>204</b> |
|  |            |
| Date   | 8-6-99     |
| Signature of Inventor  | <b>205</b> |
|  |            |
| Date   |            |
| Signature of Inventor  | <b>206</b> |
|  |            |
| Date   |            |

(Signatures should conform to names as presented at 201 et seq. above.)